

# ENVIRONMENTAL REVIEW

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## CHAPTER 4: ENVIRONMENTAL REVIEW

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### INTRODUCTION

All Community Development Block Grant (CDBG) projects must meet the requirements of federal, state and local environmental regulations. At the federal level, all CDBG projects must meet the requirements of the *National Environmental Policy Act of 1969* (NEPA). NEPA is intended to 1) improve decision-making by ensuring that all relevant information is considered, and 2) make that information available to the public.

Federal regulations are found in the *Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities* [24 CFR 58]. These sections require UGLGs (i.e., the local governments receiving CDBG funds) to assume the responsibility for environmental reviews.

The complete set of federal regulations can be found by going to <http://www.ecfr.gov/cgi-bin/ECFR?page=browse> and first choosing *Title 24* from the drop down list, then 0-99 under Subtitle A and finally Part 58. State and local regulations can be found by contacting the appropriate state and local entities.

The type of project will dictate the amount of time required to complete and submit the *Environmental Review Record (ERR)*. At the completion of the environmental review process, the Department of Energy, Housing and Community Resources (DEHCR) will issue an environmental clearance letter.

## REMINDERS:

- The Unit of General Local Government (UGLG) must prepare an ERR file that includes all activities related geographically or functionally, regardless of the source of funding. [24 CFR 58.32]
- The ERR must meet all federal, state and local requirements.
- The UGLG may not commit any HUD assistance funds or non-HUD funds until an award is approved, and the ERR has been approved [24 CFR 58.22]. Exceptions may be granted for “pre-agreement”, i.e. pre-award costs if approved by DEHCR.
- Funds may be committed after an award has been made without certification for activities that are classified as ‘exempt’ [24 CFR 58.34] or ‘categorically excluded’ not subject to the statutory checklist [24 CFR 58.35(b)]. In all cases, follow the procedures below.
- DEHCR cannot release funds until the environmental review process is complete and an award and Grant Agreement are in place.
- The ERR must cover all phases of the project not just those portions/phases funded through CDBG or match funds.

## PROCESS

The *Environmental Review Procedures* flow chart (Attachment 4-A) is the guide to the review process. Be sure to classify all activities properly, as this determines the procedure and the time required to complete the environmental review process. All the documents cited below must be included in the ERR, to be submitted to DEHCR for approval and certification.

Activities can be classified in one of four ways:

### 1. EXEMPT ACTIVITIES [24 CFR 58.34 (a)(1) THROUGH (12)]

Exempt activities are primarily **administrative and design costs**, and public services that have no physical impacts. They also include certain disaster recovery projects, if the project does not alter environmental conditions and is limited to the repair or replacement of damage to control the effects from disasters.

If the entire project is ‘exempt,’ the UGLG need only submit a completed copy of the *Statement of Activities* (Attachment 4-B), and a *Determination of Exemption* (Attachment 4-E), citing the appropriate section of 24 CFR 58.34. It must be signed by the chief elected official in whose jurisdiction the project falls. No public notice is required for exempt activities.

### 2. CATEGORICALLY EXCLUDED PROJECTS NOT SUBJECT TO 58.5 [24 CFR 58.35(b)]

These projects include most **economic development activities** (as long as the project does not include construction or expansion, even under the project aggregation rule [24 CFR 58.32]; and new operating costs for other activities of physical facilities.) For these projects UGLGs need submit only the *Statement of Activities* (Attachment 4-B) and a

*Determination of Exemption* (Attachment 4-E), citing the appropriate section of 24 CFR 58.35(b), and signed by the chief elected official. No public notice is required for these activities.

### 3. CATEGORICALLY EXCLUDED ACTIVITIES SUBJECT TO 58.5 (STATUTORY CHECKLIST) [24 CFR 58.35(a)]

These activities include **replacement or rehabilitation** of facilities that do not significantly change land use or capacity by more than 20 percent, or that **remove barriers to the handicapped**. Many public facilities projects fall into this category.

- a. Complete the *Statement of Activities* (Attachment 4-B), classifying each line item from the application (or *Grant Agreement*, if applicable) using complete citations from 24 CFR 58.34 and 24 CFR 58.35(a).

Coordinate the project with federal, state and local laws and authorities by completing the *Statutory Checklist* (Attachment 4-C). To determine who to contact, review the section titled *Summary of Federal Laws and Authorities*, below. See Attachment 4-J *Letter Seeking Review of Project* for a sample cover letter to be used when requesting comment from authorities.

- b. For each regulatory area that applies to the project, contact the appropriate agency at the address listed in *Agencies' Contact Information* (Attachment 4-D). **Allow 30 days** for responses, unless received earlier by email, mail or telephone. Document the response in the ERR. Mark the appropriate box on the *Statutory Checklist* (Attachment 4-C) that corresponds to each agency's response.

When step 'b' is complete, the UGLG has two alternatives:

1. If no negative comments were received, and if there are no circumstances requiring further compliance (such as asbestos removal), the 'categorical exclusions' may be declared 'exempt in accordance with 24 CFR 58.34(a)(12). Submit a *Determination of Exemption* (Attachment 4-E), and the rest of the ERR, including the *Statutory Checklist* (Attachment 4-C), and all agency and public comments, to the Environmental Desk. No public notices are required.

**OR**

2. If any comments are received that indicate that a potential impact may occur, or that further action is either recommended or required (such as a historic review), the UGLG **must**:
  - Attempt to resolve the issue and comply with the law's requirements and document the attempt in the ERR. In the unlikely event that the issue is not resolved, contact the Environmental Desk to discuss the issue. If the issue cannot be

resolved at that level, the UGLG may be required to prepare an *Environmental Assessment* (EA) or an *Environmental Impact Statement* (EIS).

- If the issue is resolved and no further action to comply with laws or authorities is required, publish the *Notice of Intent to Request Release of Funds* (Attachment 4-F). Do not publish notices until all replies have been received, or until the comment period has passed, whichever comes first. After publication, send copies of the notice to all the agencies consulted. *Memorandum for Mailing of Combined Notice* (Attachment 4-K) is a sample cover memo. After the local comment period, send DEHCR Environmental Desk a copy of the notice (with the signed and notarized affidavit of publication), along with a copy of the completed ERR; be sure to include a list of agencies contacted (Attachment 4-D); all agency and public comments; and the *Request for Release of Funds and Certification* (Attachment 4-H) to the Environmental Desk.
- If the ERR and the *Request for Release of Funds and Certification* (Attachment 4-H) were properly executed, the DEHCR Environmental Desk will send the UGLG a letter of *Environmental Certification*. The letter may include conditions which must be satisfied as a condition of the release of funds.

### ACTIVITIES REQUIRING AN ENVIRONMENTAL ASSESSMENT [24 CFR 58.36]

These activities are those that establish new or significantly enlarged facilities or services. Activities are subject to environmental assessments if they cannot be clearly defined as either exempt or categorically excluded. Assessments may also be required under “extraordinary circumstances” [24 CFR 58.2(a)(3)], when normally ‘exempt’ or ‘categorically excluded’ activities are unique or without precedent, or when they have the potential for having a significant impact on the site. An environmental assessment must cover the entire project, including related activities not funded by CDBG funds [24 CFR 58.32]. The process includes the following steps:

1. Complete the entire *Environmental Review Record* assessment document (*Attachment 4-I*), making sure that the project is coordinated with federal, state and local laws and authorities, in the same way as they are in categorically excluded projects.
2. After completing the environmental assessment, the UGLG must make one of two findings:
  - a) A Finding of No Significant Impact [24 CFR 58.40(g)(1)]  
Proceed to the publication of notices, described in sections 3 and 4, below; or
  - b) A Finding of Significant Impact [24 CFR 58.40(g)(2)]  
Publish a *Notice of Intent to File an Environmental Impact Statement* (EIS). An EIS requires a lengthy, detailed technical

analysis of a project. Contact the DEHCR Environmental Desk if this finding is made.

3. Publish a *Combined Notice of Findings and Notice of Intent to Request Release of Funds* (Attachment 4-G). A combined notice includes the *Notice of Finding of No Significant Impact* and *Notice of Intent to Request Release of Funds*. The notice contains instructions for calculating the mandatory review period. If there are public comments, the UGLG must respond to them and place both comments and responses in the environmental assessment. Please note that the public notice process requires 32 days.
4. Immediately after publication of the *Combined Notice*, send copies to the agencies that were consulted. See *Letter Seeking Review of Project* (Attachment 4-J) for a sample cover letter. After the local 15-day review period, send a copy of the completed environmental assessment, including a list of agencies contacted, comments from agencies and the public, the published notice (or a signed and notarized affidavit of publication of the *Combined Notice* (Attachment 4-G) and the *Request for Release of Funds and Certification* (Attachment 4-H) to the DEHCR Environmental Desk.
  - a. If these steps have been properly executed, the DEHCR Environmental Desk will send the UGLG a letter of *Environmental Certification*. The letter may include conditions which must be satisfied as a condition of the release of funds.

### REMINDERS:

- HUD rules use the term, “responsible entity.” For DEHCR’s purposes, the “responsible entity” is the recipient of HUD grant funds.
- The rule allows either the publication or posting of public notices per 24 CFR 58.45. If a public notice is posted, the local public comment period is 18 days. If it is published, the local comment period is 15 days.
- An UGLG may use an environmental review conducted for other funding programs insofar as it provides the same information and allows the same time for public comment, per 24 CFR 58. If it meets the CDBG requirements in its entirety, it may be used in lieu of the CDBG-mandated ERR. If the other review satisfies only a portion of the requirements, the UGLG must obtain additional information and/or publish supplementary notices before sending the materials to DEHCR.
- When publishing, be sure that the notice appears in the newspaper that is regularly used by the municipality for public notices.



## DOCUMENTATION SUMMARY

After the project has been properly classified and the appropriate level of environmental review has been conducted, the following checklist must be used to determine what is to be sent to the DEHCR Environmental Desk.

1. A cover page that lists the name of the project, the assigned DEHCR Project Representative, and the *Grant Agreement* number.
2. If the project consists *entirely* of **Exempt activities**, submit the following:
  - *Statement of Activities* (Attachment 4-B); and
  - A signed *Determination of Exemption* (Attachment 4-E).
3. If the project consists of **Categorically Excluded Activities not subject to the Statutory Checklist**, submit the following:
  - *Statement of Activities* (Attachment 4-B); and
  - A signed *Determination of Exemption* (Attachment 4-E).
4. If the project consists of **Categorically Excluded Projects Subject to the Statutory Checklist**, after writing to the appropriate agencies *and not receiving any negative comments* submit the following:
  - *Statement of Activities* (Attachment 4-B);
  - *Statutory Checklist* (Attachment 4-C);
  - A signed *Environmental Review Record Part One* (Attachment 4-I); and
  - A signed *Determination of Exemption* (Attachment 4-E) – No public notice is required.
5. If the project consists of **Categorically Excluded Projects Subject to the Statutory Checklist**, after writing to the appropriate agencies *and having received comments that a potential impact may occur, or if further action is recommended or required* submit the following:
  - *Statement of Activities* (Attachment 4-B);
  - *Statutory Checklist* (Attachment 4-C);
  - A signed *Environmental Review Record Part One* (Attachment 4-I);
  - A copy of the *Notice of Intent to Request Release of Funds* (Attachment 4-F); and
  - *Request for Release of Funds and Certification* (Attachment 4-H).
6. If the project requires the preparation of an **Environmental Assessment**, submit the following:
  - *Statement of Activities* (Attachment 4-B);
  - *Statutory Checklist* (Attachment 4-C);
  - A signed *Environmental Review Record Parts One and Two* (Attachment 4-I);
  - A copy of the *Combined Notice* (Attachment 4-G); and
  - The *Request for Release of Funds and Certification* (Attachment 4-H).



## SUMMARY OF LAWS AND AUTHORITIES

The *Statutory Checklist* for Public Facilities (Attachment 4-C) should be used to coordinate the proposed project with the applicable federal, state and local laws and authorities. The *Checklist* lists the various environmental issues that must be considered as part of an ERR. It provides an effective method of determining what issues apply to the proposed project as well as tracking all required program contacts and responses.

UGLGs should read the following program requirements to determine which apply to the project. For each that applies, **write to the federal, state or local agency indicated** for its opinion on the impact of the proposed project. See *Gathering Information, Disseminating Notices* (Attachment 4-D) for agency contact information.

**Allow 30 days for response**, unless a response is obtained sooner. Document all contacts, whether by letter, email or telephone.

The Department of Natural Resources (DNR) does not want to be contacted on all projects. Only contact the DNR if the project affects one of the areas in which it has regulatory responsibility such as redevelopment of brownfields; floodplains; air quality and navigable waters.

Letters to federal or state agencies should contain the following information (See *Letter Seeking Review of Project* (Attachment 4-J) for a sample of such a letter):

- The name of the UGLG.
- The name of the project.
- A description of the project. Be sure that the description is complete, and includes a statement that describes new construction and rehabilitation separately.
- A map of the project's location. Maps should be legible and include community boundaries, a scale, a north arrow, and for utility projects, existing and proposed utilities' rights-of-way.
- The amount and source of funds.
- Name and address of a contact person.
- A statement that, if a response is not received within 30 days, the UGLG will assume that the agency has no comment.

## HISTORIC PROPERTIES

To avoid harm to both known historic properties and archeological sites, and to undiscovered sites present in a project area, each UGLG must:

- Identify historic properties and archeological sites within or near the proposed project area; and
- Assess the effects of the proposed action on these historic properties and sites.

The Wisconsin Historical Society (WHS) serves as the federal government's State Historic Preservation Officer, or SHPO. The WHS has delegated the responsibility for determining whether a CDBG-funded property contains sites that are eligible for inclusion in the National Register of Historic Places to the DEHCR Environmental Desk (both historic buildings and archeological sites). It is the UGLG's responsibility to assist DEHCR in collecting information that forms the basis for this determination. An UGLG unfamiliar with historic or archeological requirements is encouraged to contact the DEHCR Environmental Desk soon after receiving a grant award to be sure that it clearly understands its responsibilities.

### Buildings

If an UGLG proposes to rehabilitate an existing building **50 years of age or older**, it must contact the DEHCR Environmental Desk to determine whether the building is listed on the WHS's Architecture and History Inventory (AHI). If the building is listed, then the UGLG must consult with DEHCR to mitigate adverse effects on the building's historic features.

### Undeveloped Sites

For projects involving new construction on sites larger than **one-half acre**, the WHS requires that UGLGs:

- Determine whether known archeological sites are present in the project area, by consulting with the WHS's Archeological Site Inventory database;
- Conduct an archeological survey to determine whether undiscovered archeological sites are present; and
- Submit a written report prepared by a qualified professional archeologist. Three copies of the report should be submitted to DEHCR, two of which will be forwarded to the WHS.

If the property is found to contain prehistoric or historic sites, then the UGLG must enter into consultations with DEHCR and WHS to mitigate the project's effects on such sites. In a very limited number of cases, an archeological excavation could be required. If no resolution is found at the state level, further consultation with the Advisory Council on Historic Preservation, Washington D.C., may be required.

**Note:** UGLGs that do **not** have electronic access to the Wisconsin Historic Society's AHI (Architecture and History Inventory) and ASI (Archeological Site Inventory) databases should contact the DEHCR Environmental Desk to request a review of the database on the UGLG's behalf. UGLGs or consultants who have remote access to the AHI and ASI databases may review it and determine whether *known* historical or archeological resources are present in the proposed project area, although this does not waive the survey requirements. Include the results of the database search and a map in the completed *Environmental Assessment*.

## FLOODPLAIN MANAGEMENT

Floodplain development is regulated through local units of government (i.e., villages, cities, or counties), with oversight by the DNR and the Federal Emergency Management Agency (FEMA). Floodplain development in towns is regulated by the county. Local floodplain ordinances must meet the minimum requirements of FEMA's National Flood Insurance Program (NFIP) as found in 44 CFR 59-72 and the higher standards of Wisconsin's Floodplain Management Program as found in Chapter NR 116, Wisconsin Administrative Code. The definition of development under the NFIP and Ch. NR 116, Wisc. Admin. Code is:

*Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.*

An UGLG is responsible for:

1. Consulting the FEMA Flood Insurance Rate Map (FIRM), or contacting the floodplain administrator for the local unit of government to determine if the project is located in a 100-year floodplain [Special Flood Hazard Area (SFHA)]. If not, document the finding in the ERR. If the project site is located in an SFHA, proceed to Step 2, below.
2. Ensuring any activity meeting the above definition of development meets the requirements laid out in the local floodplain ordinance and is permitted by the UGLG or the appropriate permitting authority. Projects involving the rehabilitation/modification of an existing structure in the SFHA must take the substantial improvement requirements of the NFIP and Ch. 116, Wis. Adm. Code. into consideration. In general, if the total cost (including labor and materials) of any modification or rehabilitation of an existing building in the SFHA equals or exceeds 50% of the building's equalized assessed value then the building must meet the higher floodplain standards required of new construction. The determination of substantial improvement must be made by the local floodplain administrator.

Construction funded through programs such as the CDBG program must also meet the requirements of Executive Order 11988. These requirements are laid out in the *8-Step Decision-Making Process for Executive Order 11988* which can be found at:

<https://www.hudexchange.info/resources/documents/Floodplain-Management-8-Step-Decision-Making-Process-Flow-Chart.pdf>.

In all cases, if a project is located within the SFHA on a FIRM, contact both the local floodplain administrator and the DEHCR Environmental Desk. The contact must be documented.

3. Floodplain maps are available on-line at: <https://www.msc.fema.gov>.

## WETLAND PROTECTION

Wetland regulations include federal, state and local laws, and these can affect development in and adjacent to wetlands. In general projects are in compliance if they are not located in designated wetlands, or do not require filling or otherwise disturbing them. The DNR has mapped wetlands in Wisconsin. Aerial photographs may be found at the following web address:

<http://dnrmaps.wi.gov/imf/imf>.

UGLGs must determine whether projects proposing new construction or ground-disturbance will affect wetlands. For assistance, contact the local zoning administrator or the DNR regional office, the area Regional Planning Commission which has jurisdiction in the county where the project will take place, or the U.S. Army Corps of Engineers. The U.S. Environmental Protection Agency (EPA) has responsibility for permitting in some circumstances.

## COASTAL ZONE MANAGEMENT

UGLGs located in one of the 15 counties adjacent to either Lake Superior or Lake Michigan must document compliance with the Wisconsin Coastal Management Program (WCMP). State regulation is focused on public and private uses that are “reasonably likely to affect any land or water use or natural resource of the coastal zone.” As a general rule, activities that are “exempt” or “categorically excluded” under this grant program will not be reviewed by the WCMP. Proposed sites that are located on the shorelines of either lake, or are located along rivers or streams that drain into these lakes are more likely to require extensive review by the WCMP.

An UGLG must document that the WCMP has approved such projects. The approvals may be obtained either directly from the WCMP or indirectly through the regional planning commission in whose jurisdiction the project falls.

Contact information for the WCMP can be found at:

<http://www.doa.state.wi.us/Divisions/Intergovernmental-Relations/Wisconsin-Coastal-Management>.

## WATER QUALITY

If the proposed project involves dredging or placing dredged or other fill materials in navigable waters (including wetlands) in Wisconsin, an UGLG must contact the U.S. Army Corps of Engineers and the Wisconsin DNR. The Clean Water Act (USC 1251-1376) regulates discharges to waters of the U.S., including the filling of wetlands. Pre-approved ‘general’ or ‘nationwide’ permits may be available for minor activities. Mitigation measures may be required for unavoidable losses of such resources.

## ENDANGERED SPECIES

The Endangered Species Act of 1973, as amended, (16 USC 1531-1536) provides for the cooperation of agencies (including CDBG UGLGs) to ensure the conservation of endangered species and their habitats. Each UGLG must complete the Federal U.S. Fish and Wildlife Section 7 process as part of its environmental review for funded projects. The following website provides

Section 7 consultation:

<http://www.fws.gov/midwest/Endangered/section7/s7process/index.html>.

To obtain information on state endangered and threatened species, the DNR ER Review Program can screen proposed projects for potential impacts. Information on the process can be found at <http://dnr.wi.gov/topic/ERReview/Review.html>. The DNR review process includes data on both state and federal species.

## WILD AND SCENIC RIVERS

If a proposed project site is located along the St. Croix or Wolf Rivers, or along components of the Wild and Scenic River system, an UGLG must contact the National Park Service (NPS). NPS will review the project for potential impacts on the Wild and Scenic River System, the National Rivers Inventory, the National Park System, and similar resources or properties. A list of Wisconsin's wild and scenic rivers components can be found in Attachment 4-L.

## AIR QUALITY

The DNR is responsible for regulating air quality, including permitting and monitoring, under Chapter 285, Wisconsin Statutes and through Chapters 400-499, Wisconsin Administrative Code. In general, there are five types of activities that require a CDBG UGLG to consult with the DNR. If an UGLG has proposed any one of the following activities, contact the Air Management Specialist at the nearest DNR regional office:

- Demolition of existing buildings
- Sandblasting or paint removal, particularly of water towers;
- Installation of large, fuel-burning equipment;
- Installation of new industrial manufacturing processes; or
- Construction of new roads or parking lots for over 1,000 cars.

A current staff listing can be found at:

<http://dnr.wi.gov/topic/AirQuality/contacts.html>.

## FARMLAND PROTECTION

The Farmland Protection Policy Act (FPPA) of 1981 and its implementing regulations, 7 CFR 658, regulate the conversion of farmland to nonagricultural uses. The first review step is to determine whether the land is already in urban use or has been designated as such by the local unit of government. Land is defined as "in urban use" if any one of the following three statements is true:

- Building density exceeds 30 structures per 40 acres;
- The land is zoned for residential, commercial, or industrial use; or
- A comprehensive land use plan has identified this property for future residential, commercial, or industrial use, and was adopted within 10 years prior to your project.

*If the land **is in** urban use (as defined) the FPPA does not apply.*

*If the land **is not** in urban use, determine if any part is prime or unique farmland of statewide or local importance, by contacting the Natural Resources Conservation Service (NRCS) (formerly, the Soil Conservation Service) office for the county in which the project is located. If the farmland is prime, unique, or of statewide or local importance, obtain the Farmland Conversion Impact Rating Form AD-1006 from the NRCS office, complete it, and return it to the NRCS. The web address is: <http://www.nrcs.usda.gov/wps>. The NRCS will return the form within 45 days, after which the UGLG decides whether to continue, modify, or drop the project.*

*If the land is in current farm use, also see Chapter 32.035, Wisconsin Statutes (dealing with eminent domain) regarding the preparation of an agricultural impact statement, and contact the WI Department of Agriculture, Trade, and Consumer Protection.*

## **MAN-MADE HAZARDS**

UGLGs must determine whether leaking underground storage tanks, hazardous tanks, hazardous waste facilities, toxic chemicals, radioactive materials, or other potential public health and safety problems either directly or indirectly affect proposed project sites and activities. A useful list of sites regulated by the EPA, sorted by zip code, is available at: <https://www3.epa.gov/>, and a list of contaminated sites compiled by the DNR at: <http://dnr.wi.gov/topic/Brownfields/clean.html>.

Hazards also include exposure to hazardous chemicals via the air, soil, and water, as well as risks to life and property through proximity to railroads and industrial activities. Airborne hazards include releases of chemicals from above-ground chemical storage facilities. Such facilities can be found at the <https://www3.epa.gov/>. Water-borne hazards include contamination of groundwater by leaking underground storage tanks into well fields. These may be found at the DNR website (<http://dnr.wi.gov/topic/Brownfields/clean.html>), although this list is not inclusive.

Soil contamination by chemical spills is another means by which humans are exposed to man-made hazards and are listed at the DNR website. Sites located within one-quarter mile of industries using or storing hazardous chemicals or within one-quarter mile of active rail lines, are generally not suitable for housing, but may be suitable for other CDBG funded projects.

## **THERMAL HAZARDS**

The proximity of petroleum or chemical storage tanks to a proposed project site may be a concern. Some older neighborhoods in cities and towns contain industries which use or store flammable or explosive products. While fire safety codes generally assure safe operation and minimize these risks, at least for a short term, such sites may represent hazards to workers within CDBG-funded facilities. Depending on the nature of the project, UGLGs should make every effort to avoid sites that place people at risk. In general, sites within one-quarter mile of such industries, particularly when there are no intervening structures, may be at risk. The State of Wisconsin maintains a list of above-ground and



underground storage tanks, which can be accessed at:

[http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/index.aspx](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/index.aspx).

Consult with the DEHCR Environmental Desk for assistance in evaluating potential hazards.

### **NOISE**

In general, UGLGs who receive CDBG-PF funds do not have to comply with noise regulations found in 24 CFR 51, Subpart B. However, grants may cause noise levels to increase through the expansion of industrial facilities, for example. In these limited number of cases, UGLGs are required to consider the effects of their activities, especially if nearby residential neighborhoods are impacted. In that event, the following guidance is provided to assist UGLGs in evaluating noise levels.

- Highways. Is the project site within 1,000 feet of a major road, highway, county trunk road, truck route, state or federal highway, or urban business route? \_\_\_ Yes \_\_\_ No
- Railroads. Is the project site located within 3,000 feet of an active rail line (used at least daily)? \_\_\_ Yes \_\_\_ No
- Airports. Is the project located within two miles of a general aviation or military airport handling jet operations with scheduled air service? \_\_\_ Yes \_\_\_ No
- Other noise-generating sources. Is the project site located within 1,000 feet of any other noise-generating source, such as an industrial plant? \_\_\_ Yes \_\_\_ No

If the answer to any of the above four questions is “yes,” then a potential noise problem may exist which may require additional mitigation measures. In such cases, UGLGs are encouraged to work with property owners to consider and include noise-abatement measures as part of the project. Consult with the DEHCR Environmental Review Desk for recommendations on specific noise abatement measures, and see the following HUD web address:

[http://www.hud.gov/offices/cpd/environment/ATEC\\_User\\_Guide\\_DNL\\_ROADWAY.pdf](http://www.hud.gov/offices/cpd/environment/ATEC_User_Guide_DNL_ROADWAY.pdf)

### Runway Clear Zones

Airport authorities may restrict the development and use of sites lying within designated runway clear zones. HUD’s concern – that a limited number of residential properties lie within clear zones – does not apply to CDBG-PF projects.

### Solid Waste

The general concern is that sufficient capacity exists to handle solid waste generated by the CDBG-funded project, and that the renovation and demolition of buildings containing asbestos or lead-based paint be carried out in accordance with DNR regulations.



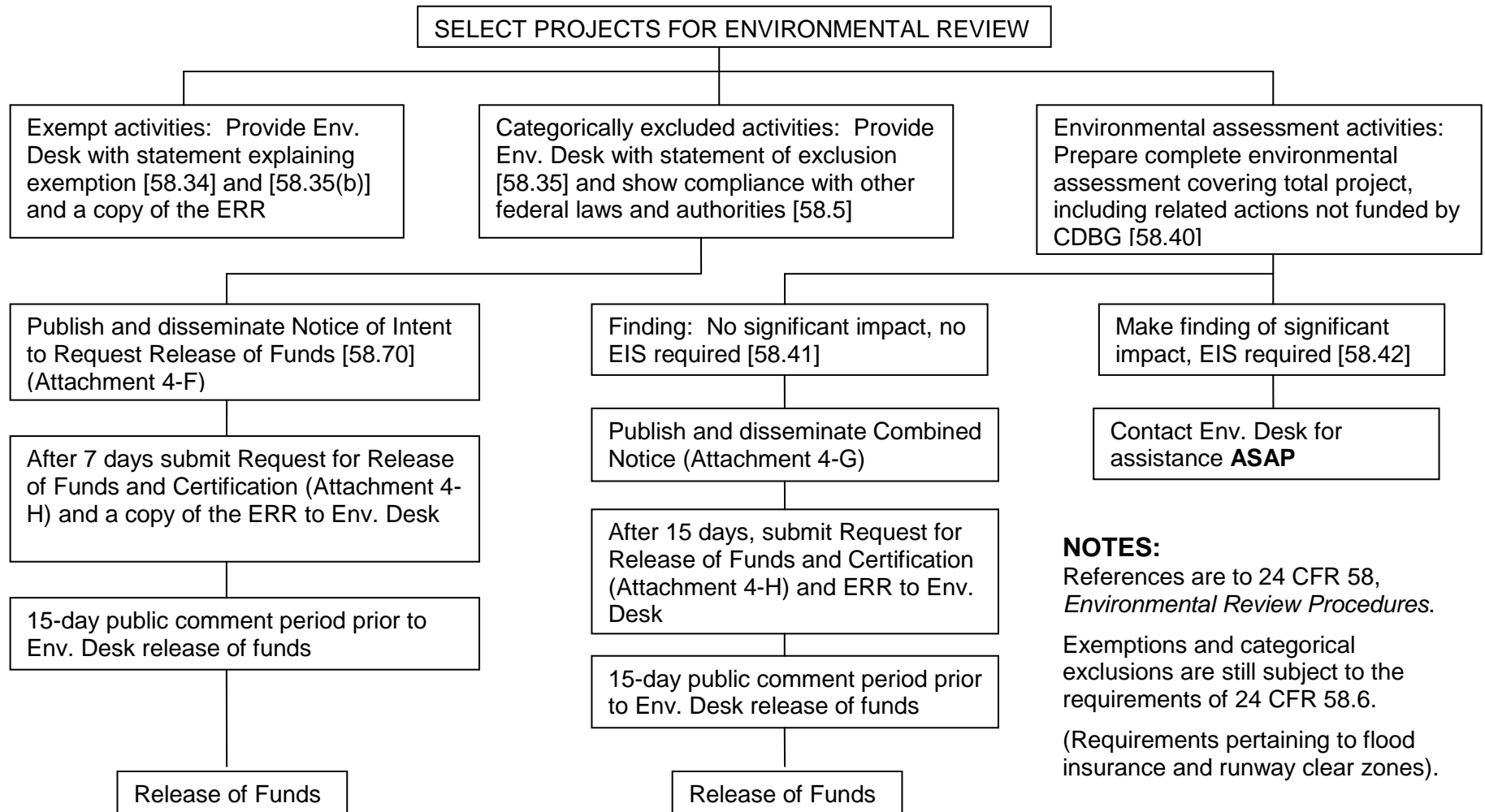
## ATTACHMENTS

Attachments for this chapter are listed below.

ATTACHMENT 4-A:	ENVIRONMENTAL REVIEW PROCEDURES
ATTACHMENT 4-B:	STATEMENT OF ACTIVITIES (TEMPLATE)
ATTACHMENT 4-B1:	STATEMENT OF ACTIVITIES (SAMPLE)
ATTACHMENT 4-C:	STATUTORY CHECKLIST
ATTACHMENT 4-D:	AGENCY CONTACT INFORMATION
ATTACHMENT 4-E:	DETERMINATION OF EXEMPTION
ATTACHMENT 4-F:	NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (TEMPLATE)
ATTACHMENT 4-F1:	NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (SAMPLE)
ATTACHMENT 4-G:	COMBINED NOTICE OF FINDINGS and NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (TEMPLATE)
ATTACHMENT 4-G1:	COMBINED NOTICE OF FINDINGS and NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (SAMPLE)
ATTACHMENT 4-H:	REQUEST FOR RELEASE OF FUNDS and CERTIFICATION (FORM HUD-7015.15)
ATTACHMENT 4-I:	ENVIRONMENTAL REVIEW RECORD (ERR) (TEMPLATE)
ATTACHMENT 4-J:	LETTER SEEKING REVIEW OF PROJECT
ATTACHMENT 4-K:	MEMORANDUM FOR MAILING OF COMBINED NOTICE
ATTACHMENT 4-L:	NATIONAL WILD and SCENIC RIVERS INFORMATION
ATTACHMENT 4-M:	24 CFR 58 SUBPART D ENVIRONMENTAL REVIEW PROCESS

## ATTACHMENT 4-A: ENVIRONMENTAL REVIEW PROCEDURES

### ENVIRONMENTAL REVIEW PROCEDURES



#### NOTES:

References are to 24 CFR 58, *Environmental Review Procedures*.

Exemptions and categorical exclusions are still subject to the requirements of 24 CFR 58.6.

(Requirements pertaining to flood insurance and runway clear zones).

### ATTACHMENT 4-B: STATEMENT OF ACTIVITIES (TEMPLATE)

#### STATEMENT OF ACTIVITIES

List all activities funded by the grant and identify those that have been previously assessed, those that require an environmental assessment, those which are categorically excluded and those which are exempt. Check the box which applies to each activity.

Activity	Source of Funds — CDBG or non-CDBG	Previously assessed	Requires Environmental Assessment	Categorically Excluded and subject to 58.5 (the Statutory Checklist)	Exempt <u>or</u> Categorically Excluded and NOT subject to the Statutory Checklist	Cite relevant section of 24 CFR 58

## ATTACHMENT 4-B1: STATEMENT OF ACTIVITIES (SAMPLE)

### STATEMENT OF ACTIVITIES

List all activities funded by the grant and identify those that have been previously assessed those that require an environmental assessment, those which are categorically excluded and those which are exempt. Check the box which applies to each activity.

Activity	Source of Funds — CDBG or non-CDBG	Previously assessed	Requires Environmental Assessment	Categorically Excluded and subject to 58.5 (the Statutory Checklist)	Exempt or Categorically Excluded and NOT subject to the Statutory Checklist	Cite relevant section of 24 CFR 58
New construction	CDBG		√			58.36
Replacement construction	CDBG			√--if >20% increase in size or capacity	√--if <20% change is size or capacity	58.35(a) (if categorically excluded)
Engineering	CDBG				√	58.34(a)(8)
Administration	CDBG				√	58.34(a)(3)

## ATTACHMENT 4-C: STATUTORY CHECKLIST

### STATUTORY CHECKLIST

*Comparison with federal, state and local laws and authorities:* This project has been compared with applicable federal , state and local laws and authorities, with the following results. Any letters, emails or telephone logs documenting agency contact **must** be attached.

Project: \_\_\_\_\_

Environmental Issue	Property is in Compliance if:	Compliance Status	Agency Contacted via	Agency Response Received
Historic Properties—rehab of existing buildings (Contact DEHCR Environmental Desk)	Property is less than 50 years old, or if the activity is listed on “ <i>Activities Exempt from Further Review</i> ”	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Historic Properties—new construction (Contact DEHCR Environmental Desk)	Property to be developed is less than ½ acre in size and approval has been obtained from the DEHCR Environmental Review Desk; <b>OR</b> property is > ½ acre is size, and an archeological survey has been completed by a professional archeologist	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Floodplain management	Property is not located in a 100-year floodplain	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No

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Environmental Issue	Property is in Compliance if:	Compliance Status	Agency Contacted via	Agency Response Received
Coastal Areas Protection and Management	Property not located on a river or stream flowing into, or is within ½ mile of Lake Michigan, Lake Superior, or located on shoreline of either lake	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Wild and Scenic Rivers	Property not located on either the St. Croix or Wolf Rivers, or national Wild and Scenic Rivers System Components—Wisconsin (Attachment 4-I)	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Runway Clear Zones	Property not listed on HUD Circular Letter HD 85-8, dated 5/23/85	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Manmade Hazards	Not located on, or adjacent to, site of a previous un-remediated chemical spill, leaking underground storage tank, Superfund site, or landfills	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Noise	Not applicable to non-residential projects	<input type="checkbox"/> Not applicable to project. In compliance.		

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Environmental Issue	Property is in Compliance if:	Compliance Status	Agency Contacted via	Agency Response Received
Wetlands Protection	Project site not located in an existing wetland, or impacting an existing wetland; No direct or <u>indirect</u> effects	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Water Quality	Project causes no dredged or fill materials in navigable waters, including wetlands; preapproved general permit or 'no effect' finding	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Water Quality: sole source aquifers	None in WI, per EPA	<input type="checkbox"/> Not applicable to project. <input type="checkbox"/> In compliance		
Solid Waste Disposal Availability; renovation and/or demolition of buildings containing asbestos or lead-based paint	No hazardous waste is generated; no excessive pressure placed on existing landfills; waste is removed in accordance with DNR procedures	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Endangered Species	No threats to either species or habitats	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No



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Environmental Issue	Property is in Compliance if:	Compliance Status	Agency Contacted via	Agency Response Received
Farmland Protection	Unique or protected farmland is not developed; construction takes place within properly zoned sites	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Air Quality	No permanent effects on air quality; <b>or</b> permitting for installation of large, fuel burning equipment obtained	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Thermal and Explosive Hazards	Property not located on, or adjacent to, an industrial facility that creates explosive or thermal hazards, past spills, Superfund sites, or hazardous industries	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No

**Certification:**

I certify that, to the best of my knowledge, this activity is in compliance with NEPA and the implementing regulations of the program funding this activity.

\_\_\_\_\_  
Grant Administrator

\_\_\_\_\_  
Date

## ATTACHMENT 4-D: AGENCY CONTACT INFORMATION

### GATHERING INFORMATION, DISSEMINATING NOTICES

Contact the following agencies when their programs apply to a project.

#### Historic Properties

WHS has delegated its responsibilities to DEHCR. All questions and documentation should be submitted to the DEHCR Environmental Desk.

**\*\*Do not contact WHS directly\*\***

#### Floodplain Management [All projects]

- Local floodplain administrator
- WDNR Floodplain Management  
<http://dnr.wi.gov/topic/floodplains/>  
[dnrfloodplain@wisconsin.gov](mailto:dnrfloodplain@wisconsin.gov)

#### Wetland Protection [All projects]

- To determine eligibility:
  - Local zoning administrator
  - WDNR Wetlands  
<http://dnr.wi.gov/topic/wetlands/>
  - U. S. Army Corps of Engineers  
St. Paul District  
180 5<sup>th</sup> Street East, Suite 700  
St. Paul, MN 55101-1638  
Tel: (800) 290-5847 x 5525  
[www.mvp.usace.army.mil](http://www.mvp.usace.army.mil)
- For permits:
  - WDNR Wetlands  
<http://dnr.wi.gov/topic/wetlands/>
  - U. S. Army Corps of Engineers  
St. Paul District  
180 5<sup>th</sup> Street East, Suite 700  
St. Paul, MN 55101-1638  
Tel: (800) 290-5847 x 5525  
[www.mvp.usace.army.mil](http://www.mvp.usace.army.mil)

#### U.S. Army Corps of Engineers

General Regulatory Branch  
St. Paul District  
U.S. Army Corps of Engineers  
180 5<sup>th</sup> St., East, Suite 700  
St. Paul, MN 55101-1638  
Tel: (800) 290-5847 x 5525  
[www.mvp.usace.army.mil](http://www.mvp.usace.army.mil)

#### WI Coastal Zone Management Program

101 E. Wilson St., 9<sup>th</sup> Floor  
P.O. Box 8944  
Madison WI 53708-8944  
Tel: (608) 267-7982  
[coastal@wisconsin.gov](mailto:coastal@wisconsin.gov)

#### U. S. Environmental Protection Agency

Manager  
Federal Activities Program  
Planning and Management Division  
77 West Jackson Boulevard  
Chicago, IL 60604  
Tel: (312) 886-7342  
Fax: (312) 353-5374

#### Endangered Species

U.S. Fish and Wildlife Service  
Twin Cities Field Office  
4101 American Blvd East  
Bloomington, MN 55425  
Tel: (952) 252-0092  
Fax: (952) 646-2873  
<http://www.fws.gov/midwest/TwinCities/TwinCities@fws.gov>  
WDNR Endangered Resources  
Tel: (608) 261-6449  
<http://dnr.wi.gov/topic/EndangeredResources/>

#### Wild and Scenic Rivers [all projects located on rivers]

Regional Environmental Coordinator  
National Park Service  
601 Riverfront Drive  
Omaha NE 68102-4226  
Tel: (402) 661-1848  
Fax: (402) 661-1849

#### Air Quality

WDNR Air Quality and Health  
<http://dnr.wi.gov/topic/AirQuality/>

#### Farmland Protection

Natural Resources Conservation Service  
<http://www.nrcs.usda.gov/wps/portal/nrcs/main/wi/contact/local/>

**Additional agencies may include: all other funding agencies, local news media, other interested government agencies and Native American Governments.**



**ATTACHMENT 4-F: NOTICE OF INTENT TO REQUEST  
RELEASE OF FUNDS (TEMPLATE)**

FOR CATEGORICALLY EXCLUDED ACTIVITIES

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of publication or posting: \_\_\_\_\_

\_\_\_\_\_  
(Name of UGLG)

\_\_\_\_\_  
(Telephone)

\_\_\_\_\_  
(Street, City, State, and Zip Code)

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

The above-named UGLG has prepared an Environmental Review Record (ERR) for the following project. This ERR is on file at the address above and is available for public examination and copying.

\_\_\_\_\_  
(Project, title, or name—insert-multi-year, if applicable)

\_\_\_\_\_  
(Purpose or nature of project)

\_\_\_\_\_  
(Location—City, County, State of Project)

\_\_\_\_\_  
(Estimated Cost of Project)

On or about \_\_\_\_\_ the UGLG will request the Division of Energy, Housing and Community Resources (DEHCR) to release Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383), as amended, for this project.

The UGLG is certifying to DEHCR that it and its chief executive officer, in his or her official capacity as \_\_\_\_\_, consent to accept the jurisdiction of the federal courts if an action is brought to enforce environmental review responsibilities, decision-making, and action; and

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that these responsibilities have been satisfied. Upon certification, UGLG may use the CDBG funds, and DEHCR will accept an objection to the release of funds and certification only if (a) the certification was not executed by the chief executive officer or other officer of UGLG approved by DEHCR; or (b) the UGLG's ERR indicates omissions of a required decision, finding or step. Objections must be prepared and submitted in accordance with 24 CFR 58, and may be addressed to the Division of Energy, Housing and Community Resources, Attention: Environmental Desk, P.O. Box 7970, Madison, WI 53707. Objections for reasons other than those stated above will not be considered by DEHCR. No objections received after \_\_\_\_\_ will be considered by DEHCR.

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*(Name of UGLG's Chief Elected Official)*

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*(Street, City, State and Zip Code of UGLG's Chief Elected Official)*

**ATTACHMENT 4-F1: NOTICE OF INTENT TO REQUEST  
RELEASE OF FUNDS (SAMPLE)**

**SAMPLE** FOR CATEGORICALLY EXCLUDED ACTIVITIES

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of publication or posting: \_\_\_\_\_

City, Village, or Town \_\_\_\_\_  
(Name of UGLG)

\_\_\_\_\_  
(Telephone)

100 Main Street, Any Town WI 55005  
(Street, City, State, and Zip Code)

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

The above-named UGLG has prepared an Environmental Review Record (ERR) for the following project. This ERR is on file at the address above and is available for public examination and copying.

Water Tower Installation Project 2005-2006  
(Project, title, or name—insert-multi-year, if applicable)

Install additional water tower to supply village with adequate water supply and pressure  
(Purpose or nature of project)

Village of any Town, Name of County, Wisconsin  
(Location—City, County, State of Project)

\$22,345,123.00  
(Estimated Cost of Project)

On or about \_\_\_\_\_ (**8th day after publication, or the 11<sup>th</sup> day after posting**) the UGLG will request the Division of Energy, Housing and Community Resources (DEHCR) to release Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383), as amended, for this project.

The UGLG is certifying to DEHCR that it and its chief executive officer, in his or her official capacity as \_\_\_\_\_ (**office**), consent to accept the jurisdiction of the federal courts if an action is brought to enforce environmental review responsibilities, decision-making, and action; and that these

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responsibilities have been satisfied. Upon certification, UGLG may use the CDBG funds, and DEHCR will accept an objection to the release of funds and certification only if (a) the certification was not executed by the chief executive officer or other officer of UGLG approved by DEHCR; or (b) the UGLG's ERR indicates omissions of a required decision, finding or step. Objections must be prepared and submitted in accordance with 24 CFR 58, and may be addressed to the Division of Energy, Housing and Community Resources, Attention: Environmental Desk, P.O. Box 7970, Madison, WI 53707. Objections for reasons other than those stated above will not be considered by DEHCR. No objections received after \_\_\_\_\_ **24<sup>th</sup> day after publication or 27<sup>th</sup> day after posting**) will be considered by DEHCR.

Pat Jones

\_\_\_\_\_  
(Name of UGLG's Chief Elected Official)

100 Main Street, Any Town WI 55005

\_\_\_\_\_  
(Street, City, State and Zip Code of UGLG's Chief Elected Official)



**ATTACHMENT 4-G: COMBINED NOTICE OF FINDINGS and  
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS  
(TEMPLATE)**

**FOR ACTIVITIES SUBJECT TO ENVIRONMENTAL ASSESSMENT  
COMBINED NOTICE OF FINDINGS OF NO SIGNIFICANT IMPACT ON THE  
ENVIRONMENT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

Date of publication or posting: \_\_\_\_\_

\_\_\_\_\_  
*(Name of UGLG)*

\_\_\_\_\_  
*(Telephone #)*

\_\_\_\_\_  
*(Street, City, State and Zip Code)*

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

The above-named UGLG has prepared an Environmental Assessment (EA) for the following project. The EA is on file at the address above and is available for public examination and copying.

\_\_\_\_\_  
*(Project, Title or Name—insert 'multi-year' if applicable)*

\_\_\_\_\_  
*(Purpose or nature of project)*

\_\_\_\_\_  
*(Location—City, County, State of Project)*

\_\_\_\_\_  
*(Estimated cost of project)*

The UGLG has determined that such request for release of funds will not constitute an action significantly affecting the quality of the human environment and, accordingly, the UGLG has decided not to prepare an Environmental Impact State (EIS) under the National Environmental Policy Act of 1969 (PL 91-190).

The reason for such decision is:

\_\_\_\_\_  
\_\_\_\_\_  
All agencies, groups or individuals disagreeing with this decision are invited to submit written comments to the above address. Such written comments should be received on or before \_\_\_\_\_. All such comments will be considered, and the UGLG will not request the release of federal funds or begin the project prior to such date.

On or about \_\_\_\_\_, the UGLG will request the Division of Energy, Housing and Community Resources (DEHCR) to release Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383) as amended for this project.

The UGLG is certifying to the DEHCR that it and its chief executive officer, in his/her official capacity as \_\_\_\_\_, consent to accept the jurisdiction of the federal courts if an action is brought to enforce environmental review responsibilities, decision-making, and action; and that these responsibilities have been satisfied. Upon certification, the UGLG may use the CDBG funds, and DEHCR will have satisfied its responsibilities under the National Environmental Policy Act of 1969. DEHCR will accept an objection to the release of funds and

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certification only if (a) the certification was not executed by the chief executive officer or other officer of the UGLG approved by DEHCR; or (b) the UGLG's EA indicates omissions of a required decision, finding, or step. Objections must be prepared and submitted in accordance with 24 CFR 58, and may be addressed to the Division of Energy, Housing and Community Resources, Attention: Environmental Desk, P.O. Box 7970, Madison, WI 53708-7970.

Objections for reasons other than those stated above will not be considered by DEHCR. No objections received after \_\_\_\_\_ will be considered by DEHCR.

\_\_\_\_\_  
*(Name of UGLG's Chief Elected Official)*

\_\_\_\_\_  
*(Street, City, State and Zip Code of UGLG's Chief Elected Official)*

## ATTACHMENT 4-G1: COMBINED NOTICE OF FINDINGS and NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (SAMPLE)

### SAMPLE FOR ACTIVITIES SUBJECT TO ENVIRONMENTAL ASSESSMENT COMBINED NOTICE OF FINDINGS OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of publication or posting: December 1, 2005

City, Village, or Any Town \_\_\_\_\_  
(Name of UGLG)

608-123-4567  
(Telephone #)

100 Main Street, Any Town WI 55005  
(Street, City, State and Zip Code)

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

The above-named UGLG has prepared an Environmental Assessment (EA) for the following project. The EA is on file at the address above and is available for public examination and copying.

Water Tower Installation Project 2006-2007  
(Project, Title or Name—insert 'multi-year' if applicable)

Install additional water tower to supply the village with an adequate water supply and pressure  
(Purpose or nature of project)

Village of Any Town, County, State  
(Location—City, County, State of Project)

\$22,123,456  
(Estimated cost of project)

The UGLG has determined that such request for release of funds will not constitute an action significantly affecting the quality of the human environment and, accordingly, the UGLG has decided not to prepare an Environmental Impact State (EIS) under the National Environmental Policy Act of 1969 (PL 91-190).

The reason for such decision is:

Provide a brief but adequate explanation, e.g., "None of the agencies with who have been consulted noted any  
negative impacts; the project is expected to have only beneficial impacts on the human environment."

All agencies, groups or individuals disagreeing with this decision are invited to submit written comments to the above address. Such written comments should be received on or before December 16, 2005 (**15<sup>th</sup> day after publication of notice, or 18<sup>th</sup> day after posting**). All such comments will be considered, and the UGLG will not request the release of federal funds or begin the project prior to such date.

On or about December 17, 2005, (**16<sup>th</sup> day after publication, or the 19<sup>th</sup> day after posting**), the UGLG will request the Division of Energy, Housing and Community Resources (DEHCR) to release Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383) as amended for this project.

The UGLG is certifying to DEHCR that it and its chief executive officer, in his/her official capacity as Your Title (**office**), consent to accept the jurisdiction of the federal courts if an action is brought to enforce environmental review responsibilities, decision-making, and action; and that these responsibilities have been satisfied. Upon certification, the UGLG may use the CDBG funds, and DEHCR will have satisfied its responsibilities under the National Environmental Policy Act of 1969. DEHCR will accept an objection to the release of funds and certification only if (a)

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the certification was not executed by the chief executive officer or other officer of the UGLG approved by DEHCR; or (b) the UGLG's EA indicates omissions of a required decision, finding, or step. Objections must be prepared and submitted in accordance with 24 CFR 58, and may be addressed to the Division of Energy, Housing and Community Resources, Attention: Environmental Desk, P.O. Box 7970, Madison, WI 53707-7970.

Objections for reasons other than those stated above will not be considered by DEHCR. No objections received after January 2, 2006 **31<sup>st</sup> day after publication, or 34<sup>th</sup> day after posting** will be considered by DEHCR.

\_\_\_\_\_  
Pat Jones  
**(Name of UGLG's Chief Elected Official)**

\_\_\_\_\_  
100 Main Street, Any Town, WI 55005  
**(Street, City, State and Zip Code of UGLG's Chief Elected Official)**

## ATTACHMENT 4-H: REQUEST FOR RELEASE OF FUNDS and CERTIFICATION (FORM HUD-7015.15)

### Request for Release of Funds and Certification

U.S. Department of Housing  
and Urban Development  
Office of Community Planning  
and Development

OMB No. 2506-0087  
(exp. 07/31/2017)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

#### Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s)	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity	
6. For information about this request, contact (name & phone number)		
8. HUD or State Agency and office unit to receive request	7. Name and address of recipient (if different than responsible entity)	
<b>The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following</b>		
9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)	
11. Program Activity/Project Description		

# CDBG-PF & CDBG-PLNG Implementation Handbook

## Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did ☐ did not ☐ require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer
<b>X</b>	Date signed
Address of Certifying Officer	

## Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer
<b>X</b>	Date signed

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

**ATTACHMENT 4-I: ENVIRONMENTAL REVIEW RECORD (ERR)  
(TEMPLATE)**

(Begins on next page)



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)  
CDBG SMALL CITIES PROGRAM

**ENVIRONMENTAL REVIEWS AT THE COMMUNITY LEVEL**

**ENVIRONMENTAL REVIEW RECORD  
and/or  
ENVIRONMENTAL ASSESSMENT**

**PROJECT:**

**PROGRAM:** \_\_\_\_\_  
Division of Energy, Housing and Community Resources

## ENVIRONMENTAL REVIEW RECORD

### Table of Contents

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Statement of Activities	
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Site Map	
Site Photographs	
Floodplain Map	
Manmade Hazards (if applicable)	
Other Reviews	
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## PROJECT DESCRIPTION

### **BRIEF DESCRIPTION OF THE PROJECT'S ACTIVITIES:**

Funds for this proposed project will be used to:

### **BRIEF DESCRIPTION OF THE PROJECT SITE AND IMMEDIATE AREA:**

The address of the proposed project is:

**STATEMENT OF ACTIVITIES**

## **SUMMARY OF FINDINGS AND CONCLUSIONS**

The proposed project is in compliance with all laws and authorities pertaining to environmental review and found in 24 CFR 58.5. There are no conditions or circumstances requiring further review or analysis.

## **SUMMARY OF ENVIRONMENTAL CONDITIONS**

The project will have several beneficial effects on the human environment, including the provision of safe and affordable housing for low- and moderate-income households residing in

---

As proposed, the project will not be affected by any known adverse environmental conditions; nor will the project cause any adverse effect on adjacent or nearby properties or their residents:

## **PROJECT MODIFICATIONS AND ALTERNATIVES CONSIDERED:**

## **ADDITIONAL STUDIES PERFORMED:**

## **MITIGATION MEASURES NEEDED:**

## DETERMINATION OF CATEGORICAL EXCLUSION OR EXEMPTION

1. Is this project in compliance with applicable Laws and Authorities?

☐ YES

☐ NO

2. Is an Environmental Assessment required?

☐ YES

☐ NO

## IMPACT CERTIFICATION

- A FINDING OF NO SIGNIFICANT IMPACT has been made for this project for the following reason (check below):
- Consultation with the applicable Laws and Authorities has determined that there will be no adverse impact, or only beneficial impact.
  - An Environmental Assessment has been completed and any adverse impacts can be mitigated following correspondence with the appropriate laws, authorities, and agencies.
- A FINDING OF SIGNIFICANT IMPACT has been made for this project, and a full Environmental Impact Statement has been completed.

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## Sample Field Notes Checklist (Environmental Assessment)

Project Number: \_\_\_\_\_ HUD Program: Community Development Block Grant \_\_\_\_\_

Project Name: \_\_\_\_\_

Location: (street, city, county, state, and zip code) \_\_\_\_\_

Number of Dwelling Units:

- ☐ New construction  
☐ Rehabilitation

Project site is in a location described as:

- |   |   |
|---|---|
| <input type="checkbox"/> Central city             | <input type="checkbox"/> Suburban                 |
| <input type="checkbox"/> Infill urban development | <input type="checkbox"/> In developing rural area |
| <input type="checkbox"/> In undeveloped area      |   |

**Note to Reader:** An Environmental Assessment (EA) is a concise public document that a Grantee must prepare in order to comply with the National Environmental Policy Act (NEPA) and the related federal state and local environmental laws and authorities. The EA must support decision making process and provide a clear rationale, justification, and documentation for ratings assigned.

## Instructions for completing EA:

It is recommended that this checklist be used by HUD staff who prepares the Environmental Assessment (EA; form HUD-4128). It will constitute full documentation for many factors on the EA, and partial documentation for others. It will avoid narrative reports and expedite the environmental review process. This checklist, which is a slightly revised version of Appendix C of Handbook 1390.2, should be used pending revision of Handbook 1390.2.

The number for each checksheet topic is the number that appears on form HUD-4128. Also, each checklist title/heading is followed by a reference to where the topic appears in current Handbook 1390.2.

Before the site visit, review the Phase I and all background information submitted with the application (if applicable). During the site visit, the preparers of form HUD-4128 are to: (i) answer all relevant questions on this checklist; (ii) use the spaces provided for comments to include supplemental information as well as to record any recommended mitigation measures or requirements for project approval; (iii) key your answers to the relevant questions (using additional sheets of paper to provide more detailed information); and (iv) use the spaces provided for source documentation to cite the information source used (e.g., title of a technical report, map, or special study; site inspection/

field observation; name and location of the qualified data source(s) that provided the information, for example, the local planning agency, the local housing and/or community development agency, the state environmental protection agency, the State Historic Preservation Officer, or other qualified data source.)

Preparers are to obtain and use, as appropriate, any environmental report (federal, state, or local) that may have already been prepared for the property or area in which the property is located.

Several different types of maps will be useful in completing the review, such as the project plan or plot map, a location map showing major features and facilities in the vicinity, the USGS topographic map and FEMA flood map for the site area, and zoning/land use maps. **Many of the conditions can and should be recorded directly on the project plan.** Distances to major features and facilities (e.g., schools and fire stations) and a description of the surrounding area are examples. The plan can then be referenced as "source documentation" on form HUD-4128.

## 9. Environmental Report

List the federal, state, or local agencies contacted to obtain their existing environmental reports and other data for the HUD environmental review for the proposed project.

List major reports obtained: (attach the report(s) or otherwise list the title, author, and publication date).

## 10. Planning Findings

Is the project in compliance or conformance with the local zoning?

☐ Yes ☐ No ☐ Not Applicable (If no or not applicable, explain) \_\_\_\_\_

Is the project located within a coastal management zone (CZM)?

☐ Yes ☐ No ☐ Not Applicable

If your answer is YES, the state Coastal Zone Management (CZM) Agency must make a finding that the project is consistent with the approved state CZM program

Is the State's finding attached to this checksheet?

☐ Yes ☐ No

Is the project in compliance with the air quality State Implementation Plan (SIP)?

☐ Yes ☐ No ☐ Not Applicable

Comments: \_\_\_\_\_



Source Documentation: \_\_\_\_\_

Are there any unresolved conflicts concerning the use of the site? ☐ Yes ☐ No

If your answer is YES, briefly explain: \_\_\_\_\_

## 11. Coastal Barrier Resources

Is the project located within a coastal barrier designated on a current FEMA flood map or Department of Interior coastal barrier resources map? ☐ Yes ☐ No

If your answer is YES, the law prohibits Federal funding of projects in designated coastal barriers.

## 12. Flood Management (24 CFR 55) (see CF 3 and 4 of Handbook 1390.2)

Is the project located within a floodplain designated on a current FEMA flood map? ☐ Yes ☐ No

Identify FEMA flood map used to make this finding:

Community Name and Number: \_\_\_\_\_

Map Panel Number and Date of Map Panel: \_\_\_\_\_

If your answer is YES, use § 55.12 and the floodplain management decision-making process (§ 55.20) to comply with 24 CFR 55 and any applicable state and/or local requirements

Comments: \_\_\_\_\_

Source Documentation: (attach § 55.20 analysis) \_\_\_\_\_

## 13. Historic Preservation (see CF 2 of Handbook 1390.2)

Has the SHPO been notified of the project and requested to provide comments? ☐ Yes ☐ No

Is property listed on or eligible for listing on the National Register of Historic Places? ☐ Yes ☐ No

Is property located within or directly adjacent to an historic district? ☐ Yes ☐ No

Does the property's area of potential effects include an historic district or property? ☐ Yes ☐ No

If your answer is YES to any of the above questions, consult with the State Historic Preservation Officer (SHPO) and comply with 36 CFR 800.

Has the SHPO been or is being advised of HUD's finding? ☐ Yes ☐ No

Comments: \_\_\_\_\_

Source Documentation: \_\_\_\_\_

## 14. Noise Abatement (see CF 1 of Handbook 1390.2)

Is project located near a major noise source, i.e., civil airports (within 5 miles), military airfields (15 miles), major highways or busy roads (within 1,000 feet), or railroads (within 3,000 feet)?

☐ Yes ☐ No

If your answer is YES, comply with 24 CFR 51, Subpart B which requires a noise assessment for proposed new construction. Use adopted DNL contours if the noise source is an airport.

Comments: \_\_\_\_\_

Source Documentation: (attach NAG worksheets) \_\_\_\_\_

### 15. Hazardous Industrial Operations (see CF 5 of Handbook 1390.2)

Are industrial facilities handling explosive or fire-prone materials such as liquid propane, gasoline or other storage tanks adjacent to or visible from the project site? ☐ Yes ☐ No

If your answer is YES, use HUD Hazards Guide and comply with 24 CFR 51, Subpart C.

Comments: \_\_\_\_\_

Source Documentation: (attach ASD worksheets ) \_\_\_\_\_

### 16. Airport Hazards (see CF 5 of Handbook 1390.2)

Is the project within 3,000 feet from the end of a runway at a civil airport? ☐ Yes ☐ No

Is the project within 2-1/2 miles from the end of a runway at a military airfield? ☐ Yes ☐ No

If your answer is YES to either of the above questions, comply with 24 CFR 51, Subpart D.

Comments: \_\_\_\_\_

Source Documentation : HUD Letter 85-8, dated May 23, 1985

### 17. Protection of Wetlands (E.O. 11990) (see CF 3 and 4 of Handbook 1390.2)

Are there drainage ways, streams, rivers, or coastlines on or near the site? ☐ Yes ☐ No

Are there ponds, marshes, bogs, swamps or other wetlands on or near the site? ☐ Yes ☐ No

For projects proposing new construction and/or filling, the following applies:

Is the project located within a wetland designated on a National Wetlands Inventory map of the Department of the Interior (DOI)? ☐ Yes ☐ No

If your answer is YES, E.O. 11990, Protection of Wetlands, discourages Federal funding of new construction or filling. In wetlands, compliance is required with the wetlands decision-making process (§ 55.20 of 24 CFR 55. Use Proposed Part 55 published in the Federal Register on January 1, 1990 for wetland procedures).

Comments: \_\_\_\_\_

Source Documentation: (attach § 55.20 analysis for new construction and/or filling) \_\_\_\_\_

### 18. Toxic Chemicals and Radioactive Materials (see CF 5 of Handbook 1390.2)

Has a Phase I (ASTM) Report been submitted and reviewed? ☐ Yes ☐ No

If your answer is NO, is a Phase I (ASTM) report needed? ☐ Yes ☐ No

Are there issues that require a special/specific Phase II report before completing the environmental assessment? ☐ Yes ☐ No

Is the project site near an industry disposing of chemicals or hazardous wastes? ☐ Yes ☐ No

Is the site listed on an EPA Superfund National Priorities or CERCLA, or equivalent state list?

☐ Yes ☐ No

Is the site located within 3,000 feet of a toxic or solid waste landfill site? ☐ Yes ☐ No

Does the site have an underground storage tank? ☐ Yes ☐ No

If your answer is YES to any of the above questions, use current techniques by qualified professionals to undertake investigations determined necessary and comply with § 50.3(i).

Are there any unresolved concerns that could lead to HUD being determined to be a Potential Responsible Party (PRP)? ☐ Yes ☐ No

Comments: \_\_\_\_\_

Source Documentation: (attach Phase I ASTM report) \_\_\_\_\_

---

### 19. Other

#### a. Endangered Species (see EF 3.4 of Handbook 1390.2)

Has the Department of Interior list of Endangered Species and Critical Habitats been reviewed?

☐ Yes ☐ No

Is the project likely to affect any listed or proposed endangered or threatened species or critical habitats? ☐ Yes ☐ No

If your answer is YES, compliance is required with Section 7 of the Endangered Species Act, which mandates consultation with the Fish and Wildlife Service in order to preserve the species.

Comments: \_\_\_\_\_

Source Documentation: Fish and Wildlife Service list 7/18/03

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#### b. Sole Source aquifers

Will the proposed project affect a sole source or other aquifer? ☐ Yes ☐ No

Comments: None in Wisconsin

Source Documentation: EPA

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#### c. Farmlands Protection (see EF 3.3 of Handbook 1390.2)

If the site or area is presently being farmed, does the project conform to the Farmland Protection Policy Act and HUD policy memo? ☐ Yes ☐ No

If your answer is YES, compliance is required with 7 CFR 658, Department of Agriculture regulations Implementing the Act.

Comments: \_\_\_\_\_

Source Documentation: \_\_\_\_\_

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#### d. Flood Insurance

Is the building located or to be located within a Special Flood Hazard Area identified on a current Flood Insurance Rate Map (FIRM)? ☐ Yes ☐ No

If your answer is YES, flood insurance protection is required for buildings located or to be located within a Special Flood Hazard Area as a condition of approval of the project. In addition, compliance with § 55.12 and the floodplain management decision-making process (§ 55.20) is required (refer to item #17 above). Document the map used to determine Special Flood Hazard Area in above item #17 pertaining to community name and number, map panel number and date of map panel.

### e. Environmental Justice

Is the project located in a predominantly minority and low-income neighborhood? ☐ Yes ☐ No

Does the project site or neighborhood suffer from disproportionately adverse environmental effects on minority and low-income populations relative to the community-at-large? ☐ Yes ☐ No

If your answer is YES, compliance is required with E.O. 12898, Federal Actions to Address Environmental Justice.

Comments: \_\_\_\_\_

Source Documentation: \_\_\_\_\_

### 20. Unique Natural Features and Areas (see EF 3.2 of Handbook 1390.2)

Is the site near natural features (i.e., bluffs or cliffs) or near public or private scenic areas?

☐ Yes ☐ No

Are other natural resources visible on site or in vicinity? Will any such resources be adversely affected or will they adversely affect the project? ☐ Yes ☐ No

Comments: \_\_\_\_\_

### 21. Site Suitability, Access, and Compatibility with Surrounding Development (see EF 1.1 and 1.3 of Handbook 1390.2)

Has the site has been used as a dump, sanitary landfill or mine waste disposal area? ☐ Yes ☐ No

Is there paved access to the site? ☐ Yes ☐ No

Are there other unusual conditions on site? ☐ Yes ☐ No

Is there indication of:

distressed vegetation	<input type="checkbox"/> Yes	<input type="checkbox"/> No	oil/chemical spills	<input type="checkbox"/> Yes	<input type="checkbox"/> No
waste material/containers	<input type="checkbox"/> Yes	<input type="checkbox"/> No	abandoned machinery, cars,		
soil staining, pools of liquid	<input type="checkbox"/> Yes	<input type="checkbox"/> No	refrigerators, etc.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
loose/empty drums, barrels	<input type="checkbox"/> Yes	<input type="checkbox"/> No	transformers, fill/vent pipes,		
			pipelines, drainage structures	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Is the project compatible with surrounding area in terms of:

Land use	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Building type (low/high-rise)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Height, bulk, mass	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Building density	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Will the project be unduly influenced by:

Building deterioration	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Transition of land uses	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Postponed maintenance	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Incompatible land uses	<input type="checkbox"/> Yes	<input type="checkbox"/> No

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Obsolete public facilities

☐
☐

Inadequate off-street parking

☐
☐

Are there air pollution generators nearby which would adversely affect the site:

	Yes	No
Heavy industry	<input type="checkbox"/>	<input type="checkbox"/>
Incinerators	<input type="checkbox"/>	<input type="checkbox"/>
Power generating plants	<input type="checkbox"/>	<input type="checkbox"/>
Oil refineries	<input type="checkbox"/>	<input type="checkbox"/>
Cement plants	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No
Large parking facilities (1000 or more cars)	<input type="checkbox"/>	<input type="checkbox"/>
Heavy traveled highway (6 or more lanes)	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>

Comments: \_\_\_\_\_

Source Documentation: \_\_\_\_\_

## 22. Soil Stability, Erosion, and Drainage (see EF 1.2 of Handbook 1390.2)

Slopes: ☐ Not Applicable ☐ Steep ☐ Moderate ☐ Slight

Is there evidence of slope erosion or unstable slope conditions on or near the site? ☐ Yes ☐ No

Is there evidence of ground subsidence, high water table, or other unusual conditions on the site?  
☐ Yes ☐ No

Is there any visible evidence of soil problems (foundations cracking or settling, basement flooding, etc.) in the neighborhood of the site? ☐ Yes ☐ No

Have soil studies or borings been made for the project site or the area? ☐ Yes ☐ No ☐ Unknown

Do the soil studies or borings indicate marginal or unsatisfactory soil conditions? ☐ Yes ☐ No

Is there indication of cross-lot runoff, swales, drainage flows on the property? ☐ Yes ☐ No

Are there visual indications of filled ground? ☐ Yes ☐ No

If your answer is YES, was a 79(g) report/analysis submitted? ☐ Yes ☐ No

Are there active rills and gullies on site? ☐ Yes ☐ No

If the site is not to be served by a municipal waste water disposal system, has a report of the soil conditions suitable for on-site septic systems been submitted? ☐ Yes ☐ No ☐ N.A.

Is a soils report (other than structural) needed? ☐ Yes ☐ No

Are structural borings or a dynamic soil analysis/geological study needed? ☐ Yes ☐ No

Comments: \_\_\_\_\_

Source Documentation: \_\_\_\_\_

## 23. Nuisances and Hazards (see EF 1.3 and 1.4 of Handbook 1390.2)

Will the project be affected by natural hazards:

	Yes	No		Yes	No
Faults, fracture	<input type="checkbox"/>	<input type="checkbox"/>	Fire hazard materials	<input type="checkbox"/>	<input type="checkbox"/>
Cliffs, bluffs, crevices	<input type="checkbox"/>	<input type="checkbox"/>	Wind/sand storm concerns	<input type="checkbox"/>	<input type="checkbox"/>
Slope-failures from rains	<input type="checkbox"/>	<input type="checkbox"/>	Poisonous plants, insects or animals	<input type="checkbox"/>	<input type="checkbox"/>
Unprotected water bodies	<input type="checkbox"/>	<input type="checkbox"/>	Hazardous terrain features	<input type="checkbox"/>	<input type="checkbox"/>

Will the project be affected by built hazards and nuisances:

Yes No

Yes No

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Hazardous street <input type="checkbox"/> <input type="checkbox"/>	Inadequate screened <input type="checkbox"/> <input type="checkbox"/>
Dangerous intersection <input type="checkbox"/> <input type="checkbox"/>	Hazards in vacant lots <input type="checkbox"/> <input type="checkbox"/>
drainage catchments <input type="checkbox"/> <input type="checkbox"/>	Chemical tank-car terminal <input type="checkbox"/> <input type="checkbox"/>
Through traffic <input type="checkbox"/> <input type="checkbox"/>	Other hazardous <input type="checkbox"/> <input type="checkbox"/>
Inadequate separation of pedestrian/vehicle traffic <input type="checkbox"/> <input type="checkbox"/>	chemical storage <input type="checkbox"/> <input type="checkbox"/>
Children's play areas located next to freeway or other high traffic way <input type="checkbox"/> <input type="checkbox"/>	High-pressure gas or liquid petroleum <input type="checkbox"/> <input type="checkbox"/>
Inadequate street lighting <input type="checkbox"/> <input type="checkbox"/>	Transmission lines on site <input type="checkbox"/> <input type="checkbox"/>
Quarries or other excavations <input type="checkbox"/> <input type="checkbox"/>	Overhead transmission lines <input type="checkbox"/> <input type="checkbox"/>
	Hazardous cargo transportation routes <input type="checkbox"/> <input type="checkbox"/>
Dumps/sanitary landfills or mining <input type="checkbox"/> <input type="checkbox"/>	Oil or gas wells <input type="checkbox"/> <input type="checkbox"/>
Railroad crossing <input type="checkbox"/> <input type="checkbox"/>	Industrial operations <input type="checkbox"/> <input type="checkbox"/>

Will the project be affected by nuisances:

	Yes	No		Yes	No
Gas, smoke, fumes	<input type="checkbox"/>	<input type="checkbox"/>	Unsightly land uses	<input type="checkbox"/>	<input type="checkbox"/>
Odors	<input type="checkbox"/>	<input type="checkbox"/>	Front-lawn parking	<input type="checkbox"/>	<input type="checkbox"/>
Vibration	<input type="checkbox"/>	<input type="checkbox"/>	Abandoned vehicle	<input type="checkbox"/>	<input type="checkbox"/>
Glare from parking area	<input type="checkbox"/>	<input type="checkbox"/>	Vermin infestation	<input type="checkbox"/>	<input type="checkbox"/>
Vacant/boarded-up buildings	<input type="checkbox"/>	<input type="checkbox"/>	Industrial nuisances	<input type="checkbox"/>	<input type="checkbox"/>
			Other	<input type="checkbox"/>	<input type="checkbox"/>

Comments: \_\_\_\_\_

Source Documentation: \_\_\_\_\_

### 24. Water, Supply, Sanitary Sewers, and Solid Waste Disposal (see EF 2.1, 2.2, and 2.4 of Handbook 1390.2)

Is the site served by an adequate and acceptable:

water supply ☐Yes ☐No ☐Municipal ☐Private;

sanitary sewers and waste water disposal systems ☐Yes ☐No ☐Municipal ☐Private;

and trash collection and solid waste disposal ☐Yes ☐No ☐Municipal ☐Private.

If the water supply is non-municipal, has an acceptable "system" been approved by appropriate authorities and agencies? ☐Yes ☐No

If the sanitary sewers and waste water disposal systems are non-municipal, has an acceptable "system" been approved by appropriate authorities and agencies? ☐Yes ☐No

Comments: \_\_\_\_\_

Source Documentation: \_\_\_\_\_

### 25. Schools, Parks, Recreation, and Social Services (see U/EF 4, 5, and 6 of Handbook 1390.2)

Will the local school system have the capability to service the potential school age children from the project? ☐Yes ☐No

Are parks and play spaces available on site or nearby? ☐Yes ☐No

Will social services be available on site or nearby for residents of proposed project? ☐Yes ☐No

Comments: \_\_\_\_\_

\_\_\_\_\_

Source Documentation: \_\_\_\_\_

\_\_\_\_\_

### **26. Emergency Health Care, Fire and Police Services** (see U/EF 7, 8, and 9 of Handbook 1390.2)

Are emergency health care providers located within reasonable proximity to the proposed project?

☐Yes ☐No Approximate response time: \_\_\_\_\_

Are police services located within reasonable proximity to the proposed project?

☐Yes ☐No Approximate response time: \_\_\_\_\_

Is fire fighting protection ( ) municipal ( ) volunteer adequate and equipped to service the project?

☐Yes ☐No Approximate/estimated response time: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

Source Documentation: \_\_\_\_\_

\_\_\_\_\_

### **27. Commercial/Retail and Transportation** (see U/EF 10 and 11 of Handbook 1390.2)

Are commercial/retail shopping services nearby? ☐Yes ☐No

Is the project accessible to employment, shopping and services by ☐public transportation or ☐private vehicle?

Is adequate public transportation available from the project to these facilities? ☐Yes ☐No

Are the approaches to the project convenient, safe and attractive? ☐Yes ☐No

### **28. Conditions and Requirements for Approval:**

Are mitigation measures required? ☐Yes ☐No

If your answer is YES, list and describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Brief Description of the Project: See attached ERR.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Field Inspection on: (date) By: (signature)

**ATTACHMENT 4-J: LETTER SEEKING REVIEW OF PROJECT**

LETTER SEEKING REVIEW OF PROJECT

Date \_\_\_\_\_

Address \_\_\_\_\_

Greeting \_\_\_\_\_

The \_\_\_\_\_ (***Name of UGLG preparing the ERR or EA***) is currently preparing an environmental review record or environmental assessment. The \_\_\_\_\_ (***UGLG***) is applying to the Division of Energy, Housing and Community Resources (DEHCR) for \$\_\_\_\_\_ of CDBG monies, to be used for \_\_\_\_\_ (***project description***), located in the \_\_\_\_\_ (***project location***).

The \_\_\_\_\_ (***UGLG***) plans to use the funds for \_\_\_\_\_ (***description of project, including uses of all funds. Description should be approximately 1 paragraph in length.***)

The project is located at \_\_\_\_\_ (***description of location, including township, range, and section, and street address.***) Enclosed is (***a map or aerial photograph***) that shows the project site.

***(Include here any specific information that an agency might need in order to respond, such as described in the Environmental Review Chapter of the Wisconsin CDBG Implementation Handbook).***

Review the proposed project and make a determination as to whether it is in conformance with (***the regulations the particular agency enforces***). Your prompt review and comments on this project will be greatly appreciated. If we have not received your comments within 30 days of the date of this letter, we will assume that you have no comment. If you should have any questions concerning this matter, contact (***name and phone # of person preparing the ERR or EA***).

Sincerely,

***(Signature of person preparing the ERR or EA)***

Enclosure(s)



**ATTACHMENT 4-K: MEMORANDUM FOR MAILING OF COMBINED  
NOTICE**

MEMORANDUM FOR MAILING OF COMBINED NOTICE

TO: All interested agencies, groups, and persons

FROM: **(EA Preparer's Name, Firm)**

RE: Notice of Finding of No Significant Impact on the Environment and Notice of Intent to Request Release of Funds

DATE: **(Date of notice publication)**

The purpose of this memorandum is to provide to you a copy of the legal notice entitled, "Notice of Finding of No Significant Impact on the Environment and Notice of Intent to Request Release of Funds," which will be published as a Class I legal notice in the \_\_\_\_\_ **(name of local newspaper)**, on **(date)**. The notice indicates that \_\_\_\_\_ **(UGLG's)** findings regarding the ERR or EA it has prepared for the \_\_\_\_\_ **(project title)**, as well as the \_\_\_\_\_ **(UGLG's)** intent to request the Division of Energy, Housing and Community Resources (DEHCR) to release federal funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383) for this project. The CDBG funds to be received by \_\_\_\_\_ **(UGLG)** would be used for \_\_\_\_\_ **(project description)**.

All interested agencies, groups, and persons disagreeing with this decision and request for release of funds are invited to submit written comments for consideration to the \_\_\_\_\_ **(UGLG's Chief Elected Official)** at \_\_\_\_\_ **(UGLG's address)**, in accordance with the attached notice.

## ATTACHMENT 4-L: NATIONAL WILD and SCENIC RIVERS INFORMATION

### NATIONAL WILD AND SCENIC RIVERS SYSTEM COMPONENTS – WISCONSIN

River Name	County(s)	Segment Reach Description
Lower St. Croix River	Polk St. Croix Pierce	From dam at Taylor Falls, MN, downstream to confluence with Mississippi River.
Upper St. Croix and Namekagon Rivers	Polk Burnett Douglas Washburn Bayfield	St. Croix from Taylor Falls, MN, to the dam at Gordon, WI; Namekagon from its confluence with the St. Croix to the dam at Namekagon Lake.
Wolf River	Menomonee	From the Langlade-Menomonee County line downstream to Keshena Falls near the Village of Keshena.

### RIVERS IN WISCONSIN WITH POTENTIAL FOR INCLUSION IN THE NATIONAL WILD AND SCENIC RIVERS INVENTORY

River Name	County(s)	Segment Reach Description
Bad	Ashland	From Town of Mellen to mouth.
Black	La Crosse Jackson	From confluence with Mississippi River (above Lake Onalaska) to Black River Falls dam.
Black, East Fork	Jackson Wood Clark	Mouth to source.
Bois Brule	Douglas	Mouth to campground at County road south.
Chippewa	Pepin Dunn	From its confluence with Mississippi River to Eau Claire-Dunn County line.
Chippewa	Rusk Sawyer	Holcombe Flowage to dam at Radisson.
Chippewa, East Fork	Iron	From Sturgeon Bay at upper end of Blaisdell Lake to bridge crossing in Sec. 13 of Glidden.

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River Name	County(s)	Segment Reach Description
Chippewa, East Fork	Iron	Glidden to source.
Clam	Burnett Polk	Clam River flowage to Clam Falls flowage.
Crystal	Waupaca	Long Lake to Waupaca.
Des Plaines	Kenosha	Wisconsin-Illinois state line to source.
Flambeau	Rusk Price Sawyer	Big Falls Reservoir to Crowley dam.
Flambeau, South Fork	Sawyer Rusk Price	Confluence with Flambeau to SR 13 south of Park Falls; Three Mile Creek to Round Lake.
Fox	Outagamie Brown	Kaukauna to De Pere.
Fox	Kenosha Racine Waukesha	Wilmot to Waterford dam. Waterford to Waukesha.
Jump, including North Fork	Chippewa Price Rusk Taylor	From Holcombe flowage to Spring Creek flowage.
Jump, South Fork	Price	Confluence with Jump River to SR 13 at Prentice.
Kickapoo	Crawford Richland Vernon	Confluence with Wisconsin River to Ontario.
La Crosse	La Crosse	Mouth to Perch Lake dam.
Marengo	Ashland	Confluence with Bad River to Town of Marengo.
Mecan	Marquette Waushara	From backwaters of impoundment at Germania to Richford.

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River Name	County(s)	Segment Reach Description
Milwaukee	Milwaukee	Thiensville to Grafton.
	Ozaukee	
	Washington	Waubeka to West Bend.
	Fond du Lac	Young America to Campbellsport. Campbellsport to Eden.
Nemaji	Douglas	From drive-in theater south of Superior village to Wisconsin-Minnesota state line.
Oconto	Oconto	Underhill to confluence with Peshtigo Brook.
Peshtigo	Marinette Forest	Backwaters of Caldron Falls Reservoir to source.
Pike, including south branch	Marinette	Mouth to Brock pond dam.
Pike River north branch	Marinette	Mouth to township road 1/2 mile downstream of U.S. 8.
Pine River	Florence Forest	From backwaters of Pine River dam to source.
Plover	Portage Marathon	Stevens Point to Bevent.
Popple	Florence Forest	Mouth to source.
Potato River	Iron	Confluence with Bad River to Town of Upson.
Somo River	Lincoln	Lake Mohawksin to junction of Big Somo and Little Somo creeks at Clifford.
Thornapple	Rusk Sawyer	Mouth to source (except part within Chequamegon National Forest).
Totagetic	Douglas Sawyer Washburn	From Minong flowage (formerly Lake Nancy) to Nelson Lake.
White	Ashland Bayfield	From impoundment at SR 112 crossing to source.

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River Name	County(s)	Segment Reach Description
Wisconsin	Marathon Lincoln	Merrill to Wausau. Wausau to Marathon County line south.
Wolf	Outagamie Waupaca Shawano	County Road P two miles north of Shiocton to Shawano.
Yellow	Juneau Wood	From Necedah Bluff to Spillway at Lake Baxter.

## ATTACHMENT 4-M: 24 CFR 58 SUBPART D ENVIRONMENTAL REVIEW PROCESS

The most current version of the Code of Federal Regulations can be found at:  
<http://162.140.57.127/cgi-bin/ECFR?page=browse>.

### **§58.34 Exempt activities.**

(a) Except for the applicable requirements of §58.6, the responsible entity does not have to comply with the requirements of this part or undertake any environmental review, consultation or other action under NEPA and the other provisions of law or authorities cited in §58.5 for the activities exempt by this section or projects consisting solely of the following exempt activities:

(1) Environmental and other studies, resource identification and the development of plans and strategies;

(2) Information and financial services;

(3) Administrative and management activities;

(4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;

(5) Inspections and testing of properties for hazards or defects;

(6) Purchase of insurance;

(7) Purchase of tools;

(8) Engineering or design costs;

(9) Technical assistance and training;

(10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;

(11) Payment of principal and interest on loans made or obligations guaranteed by HUD;

(12) Any of the categorical exclusions listed in §58.35(a) provided that there are no circumstances which require compliance with any other federal laws and authorities cited in §58.5.

(b) A recipient does not have to submit an RROF and certification, and no further approval from HUD or the State will be needed by the recipient for the drawdown of funds to carry out exempt activities and projects. However, the responsible entity must document in writing its determination that each activity or project is exempt and meets the conditions specified for such exemption under this section.

[61 FR 19122, Apr. 30, 1996, as amended at 63 FR 15271, Mar. 30, 1998]

### **§58.35 Categorical exclusions.**

Categorical exclusion refers to a category of activities for which no environmental impact statement or environmental assessment and finding of no significant impact under NEPA is required, except in extraordinary circumstances (see §58.2(a)(3)) in which a normally excluded activity may have a

significant impact. Compliance with the other applicable federal environmental laws and authorities listed in §58.5 is required for any categorical exclusion listed in paragraph (a) of this section.

(a) *Categorical exclusions subject to §58.5.* The following activities are categorically excluded under NEPA, but may be subject to review under authorities listed in §58.5:

(1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).

(2) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons.

(3) Rehabilitation of buildings and improvements when the following conditions are met:

(i) In the case of a building for residential use (with one to four units), the density is not increased beyond four units, and the land use is not changed;

(ii) In the case of multifamily residential buildings:

(A) Unit density is not changed more than 20 percent;

(B) The project does not involve changes in land use from residential to non-residential; and

(C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.

(iii) In the case of non-residential structures, including commercial, industrial, and public buildings:

(A) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and

(B) The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.

(4)(i) An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or

(ii) An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site.

(iii) Paragraphs (a)(4)(i) and (ii) of this section do not apply to rehabilitation of a building for residential use (with one to four units) (see paragraph (a)(3)(i) of this section).

(5) Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.

(6) Combinations of the above activities.

(b) *Categorical exclusions not subject to §58.5.* The Division has determined that the following categorically excluded activities would not alter any conditions that would require a review or compliance determination under the federal laws and authorities cited in §58.5. When the following kinds of activities are undertaken, the responsible entity does not have to publish a NOI/RROF or execute a certification and the recipient does not have to submit a RROF to HUD (or the State) except in the circumstances described in paragraph (c) of this section. Following the award of the assistance, no further approval from

HUD or the State will be needed with respect to environmental requirements, except where paragraph (c) of this section applies. The recipient remains responsible for carrying out any applicable requirements under §58.6.

(1) Tenant-based rental assistance;

(2) Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, state, and federal government benefits and services;

(3) Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;

(4) Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;

(5) Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buydowns, and similar activities that result in the transfer of title.

(6) Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.

(7) Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under §58.47.

(c) *Circumstances requiring NEPA review.* If a responsible entity determines that an activity or project identified in paragraph (a) or (b) of this section, because of extraordinary circumstances and conditions at or affecting the location of the activity or project, may have a significant environmental effect, it shall comply with all the requirements of this part.

(d) The Environmental Review Record (ERR) must contain a well-organized written record of the process and determinations made under this section.

[61 FR 19122, Apr. 30, 1996, as amended at 63 FR 15272, Mar. 30, 1998; 68 FR 56129, Sept. 29, 2003; 78 FR 68734, Nov. 15, 2013]

### **§58.36 Environmental assessments.**

If a project is not exempt or categorically excluded under §§58.34 and 58.35, the responsible entity must prepare an EA in accordance with subpart E of this part. If it is evident without preparing an EA that an EIS is required under §58.37, the responsible entity should proceed directly to an EIS.



ADDITIONAL NOTES: (optional)

**ADDITIONAL NOTES (cont.): (optional)**